

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Odis Hosley,

Petitioner,

v.

Warden Jansen,

Respondent.

C/A No. 1:24-cv-01621-SAL

ORDER

Petitioner Odis Hosley filed this action seeking a writ of habeas corpus under 28 U.S.C. § 2241. *See* ECF No. 1. He alleges the case manager at his facility refused to process his petition for a commutation of sentence as an expedited request to the Office of the Pardon Attorney. *Id.* This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending that the court grant Defendant’s motion to dismiss. *See* ECF No. 19. Neither party filed objections to the Report, and the time for doing so has expired.¹

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

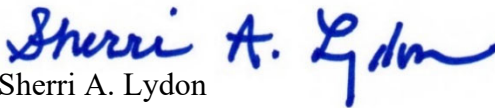
¹ After the Report was issued on August 22, 2024, Petitioner advised the court of two address changes. The Clerk mailed the Report to both new addresses to ensure Petitioner received notice of the Report and his right to file objections. Assuming Petitioner was not actually served with the Report on the first two attempts, the time to file objections expired on September 30, 2024.

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 19, and incorporates it by reference herein. As a result, Respondent's motion to dismiss, ECF No. 10, is **GRANTED**, and the petition is **DISMISSED without prejudice**.

IT IS SO ORDERED.

October 17, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge